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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 10/808,715   | 03/23/2004  | Ching-Fong Su        | 073338.0153 (03-52024<br>FLA | 6064             |
| 5073   | 7590        | 02/07/2008           | EXAMINER                     |                  |
| BAKER BOTTS L.L.P.<br>2001 ROSS AVENUE<br>SUITE 600<br>DALLAS, TX 75201-2980 |             |                      | BOAKYE, ALEXANDER O          |                  |
|  |             |                      | ART UNIT                     | PAPER NUMBER     |
|  |             |                      | 2616                         |                  |
|  |             |                      | NOTIFICATION DATE            | DELIVERY MODE    |
|  |             |                      | 02/07/2008                   | ELECTRONIC       |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/808,715

Applicant(s)

SU ET AL.

Examiner

ALEXANDER BOAKYE

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-22 is/are allowed.
- 6) ☒ Claim(s) 23,31-33,36 and 44-46 is/are rejected.
- 7) ☒ Claim(s) 24-30,34-35,37-41,43,47-48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 05/18/04
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23, 31-33, 36,44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Trebes, Jr. (US Patent # 6,788,688).

Regarding claim 23, Trebes teaches a method for managing network traffic (Fig. 1) comprising: analyzing peer-to-peer communications between peers on a peer-to-peer network (column 40, lines 11-50, lines 2-16 of the abstract); identifying, based on the peer-to-peer communications, peer-to-peer information, the peer-to-peer information including network addresses of the peers, a distribution of peers within the peer-to-peer network, and a distribution of data files stored by the peers (column 57, lines 9-16); intercepting a control message sent from a first peer to a second peer (column 35, lines

27-36) ; and modifying the control message based on the peer-to-peer information (column 58, lines 51-60).

Regarding claim 31, Trebes teaches that the distribution of peers identifies at least one network region of the peer-to-peer network associated with at least one set of peers (column 57, lines 9-16).

Regarding claim 32, Trebes teaches that the control message requests a transmission of a particular data file to the first peer (column 35, lines 27-36).

Regarding claim 33, Trebes teaches that the control message requests a list of peers storing a particular data file (column 35, lines 27-36 ).

Regarding claim 36, Trebes teaches Logic for managing network traffic, the logic encoded in media (Fig. 1) and operable when executed to: analyze peer-to-peer communications between peers on a peer-to-peer network(column 40, lines 11-50 and lines 2-16 of the abstract); identify, based on the peer-to-peer communications, peer-to-peer information, the peer-to-peer information including network addresses of the peers, a distribution of peers within the peer-to-peer network, and a distribution of data files stored by the peers (column 57,lines 9-16); intercept a control message sent from a first peer to a second peer (column 35,lines 27-36) ; and modify the control message based on the peer-to-peer information (column 58,lines 51-60).

Claim 44 is met as previously discussed with respect of claim 31.

Claim 45 is met as previously discussed with respect to claim 32.

Claim 46 is met as previously discussed with respect to claim 33.

***Allowable Subject Matter***

2. Claims 24-30, 34-35, 37-41,43, 47-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-11,12-22 are allowable.

The following is a statement of reasons for the indication of allowable subject matter: As to Claims 1-11, the prior art of record does not teach generating a statistical model of the network using the set of parameters, the statistical model mathematically predicting connectivity between the network regions; modifying at least one of the parameters within the set; simulating the network using the modified set of parameters and the statistical model; and presenting results of the simulation for use in managing the network. As to claims 12-22, the prior art of record does not teach generate a statistical model of network using the set of parameters, the statistical model mathematically predicting connectivity between the network regions; modify at least one of the parameters within the set; simulate the network using the modified set of parameters and the statistical model; and present results of the simulation for use in managing the network.

**Conclusion**

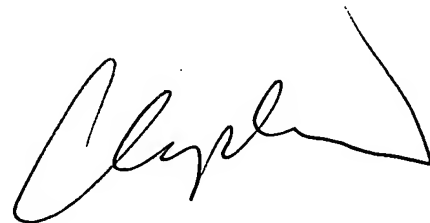
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Electronic Business Center (EBC)** numbers at 866-217-9197 and 703-305-3028.

Alexander Boakye

Patent Examiner

AB  
02/02/08



CHI PHAM  
SUPERVISORY PATENT EXAMINER

2/4/08